

ACLU of Washington issues report on fining, jailing people who can't pay

By Sara Schilling, Tri-City Herald
February 10, 2014

The ACLU of Washington and Columbia Legal Services issued a report Monday on what they describe as the unfair and counterproductive practice of imposing hefty court fines, fees and costs on people who can't afford to pay.

Benton County is one of four counties in the state that were examined. The document recommends changes, including establishing a statewide criteria for determining a person's ability to pay, as well as stopping interest from accruing while a person is jailed and unable to bring in enough money to pay off a debt.

About 20 percent of people in custody in Benton County on a given day are being sanctioned for not paying their legal financial obligations, or LFOs, which include fees, fines, costs and restitution imposed on top of a criminal sentence, the report said.

The county's superior and district courts "regularly fail to consider ability to pay, and instead aggressively use incarceration as a collections tool," the report said.

Joe Burrowes, the presiding judge for Benton County District Court, didn't know about the report until it showed up in the mail Monday afternoon, he said.

The ACLU and Columbia Legal Services never talked with Burrowes about their observations and conclusions as they were putting it together, he said.

"We're not aware that we're doing anything wrong, and we're following the law," he said. But, "we'll review the report and take necessary actions if need be."

Bruce Spanner, the presiding judge for Superior Court, couldn't be reached for comment Monday.

The report also raised concerns about LFO practices in Clark, Clallam and Thurston counties.

The state needs to create better systems "that ensure no person is punished simply because of his poverty while holding accountable people who are able to pay but choose not to," said Nick Allen, a staff attorney for Columbia Legal Services, in a news release.

Vanessa Hernandez, a staff attorney for ACLU of Washington, added that the criminal justice system should help people re-enter the community, "but excessive court-imposed debt is a formidable barrier" and "unfair practices keep individuals tethered to the criminal justice system for years, sometimes for life."

On average, LFOs total about \$2,540 for a felony case, growing quickly because of a required high-percentage interest rate, the report said.

Some LFOs are mandatory, such as a \$100 DNA database fee, while others are discretionary, the report said.

A proposed bill that would bring some changes to LFO practices, including suspending the interest during incarceration, has a joint hearing scheduled Wednesday before the state House judiciary and public safety committees, the news release said.

Benton County officials recently discussed the District Court practice of sending some offenders to jail to wipe out their unpaid fines and court costs.

District Court judges have said it's an effective deterrent for people who drag their feet on paying, and an offender first is given multiple chances. But some others have said they want to see a change, noting issues including the incarceration costs.

To read the ACLU and Columbia Legal Services report, go to www.aclu-wa.org.

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Read more here: <http://www.tri-cityherald.com/2014/02/10/2820417/aclu-of-washington-issues-report.html#storylink=cpy>